IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.20 of 2007
In
Criminal Appeal No.1151 of 2006

Sanjay Babu Patel — Applicant
Vs.
State of Maharashtra — Respondent

Ms.Pooja Bhojne and Mr.Nitin Sejpal for applicant.
Mr.A.S.Gadkari, APP for State.

CORAM: B.H.MARLAPALLE & R.S. MOHITE, JJ.

February 13, 2007.

P.C.

. Heard Ms.Pooja Bhojne, the learned counsel for the applicant - accused no.1 who has been convicted along with accused no.2 for the offence punishable under Section 302 read with Section 34 of IPC as well as under Section 324 of IPC. Criminal Appeal No.1151 of 2006 against the order of conviction and sentence has been admitted by this Court and hence this application for being released on bail.

. The prosecution case is based on the testimony of the eye witnesses. The evidence of PW 10 - Dr. Ramdas Sanap indicated that the injury nos.2, 3 and 6 were fatal and could cause death in the ordinary course of nature. The CA report indicated that the weapon was stained with human blood and the death

occurred due to the assault.

. We are satisfied, having regards to the prosecution case, that no case is made out to suspend the order of sentence under Section 389 of Cr.P.C. and release the applicant on bail pending the appeal.

. Hence the application is hereby rejected.

(R.S.MOHITE,J.) (B.H.MARLAPALLE,J.)